

COUNCIL APPROVES SALE OF PEARY TO HEBREW ACADEMY

Deal for \$1.9 million backed in 8 to 1 vote; Andrews is the lone dissenter

By [Sean Sedam](#) | [Email the author](#) | November 30, 2010

The Montgomery County Council on Tuesday approved a \$1.9 million deal to sell the former Robert E. Peary High School to the Melvin J. Berman Hebrew Academy, which has operated on the Aspen Hill campus since 1998.

The 8 to 1 vote in favor of selling the 19.5-acre site on Arctic Avenue came during the final meeting of the current council's term. Councilman Philip M. Andrews (D-Dist. 3) of Gaithersburg was the lone dissenting vote.

Supporters, including ninth-grade history students from the academy who were on hand for a civics lesson, celebrated in the council hearing room in downtown Rockville after the vote.

"We didn't want this to be a divisive issue," said Behnam Dayanim, first vice president of the academy's board. "We didn't want to win by a 5 to 4 vote. Because we thought that the merits of the argument were squarely in our favor. We hoped that the council would come to that view. And an 8 to 1 vote is pretty resounding."

The vote followed a 4 to 1 vote in favor of the sale on Monday by the council's Management and Fiscal Policy and Education committees. Andrews was the lone tally against the deal in that vote as well.

"While I think that the Berman Academy has been an excellent tenant of the property and an excellent neighbor to the Aspen Hill community, I'm not persuaded that the sale of the property is in the long-term interest of the county," Andrews said before the vote.

The 19-acre site is a centrally located property that could be used as a holding school when high schools are modernized, Andrews said.

"I think a reasonable case has been made that the school system is likely to need a property like this in the future, and I think it is also less likely that the school system will be able to use it again if the sale is approved. For those reasons I oppose the sale," Andrews said.

The county school board, the county council of PTAs and the Montgomery County Civic Federation all opposed the deal on the grounds that the county would be shedding a property that could be used for a future public school.

The county Planning Board unanimously supported the deal, saying it conforms to the Aspen Hill Master Plan, which calls for the site to be available for a public school site in the future. Under the deal, the county retains the right to reclaim the property through eminent domain should the school system decide that the site is needed for a public school.

In 1996, the Hebrew Academy signed a lease for the building, which had become a blight on the neighborhood. With the lease, academy leaders said, came the understanding that the school would have the right to purchase the property.

The academy invested nearly \$9 million to renovate the building, which was abandoned after the school system shuttered Peary High in 1984 as more than a decade of declining enrollment led the county to close 60 schools.

Councilman George L. Leventhal (D-At large) of Takoma Park said he was not persuaded by the argument that the property is "critically important" to the school system's plans.

"This is not a school system asset," he said. "The school system said it could not use this asset, it forfeited its use, it turned it over to the county. The school system maintained the asset horrifically badly. The county maintained the asset horrifically badly."

Now, Leventhal said, the school system wants to keep an "excellent, reliable tenant" and "it wants to be able to grab [the property] back any time it thinks it might need it. But it can't tell us when that is and it doesn't need it now."

Councilman Marc B. Elrich (D-At large) of Takoma Park engaged in a lengthy exchange with Diane Schwartz Jones, an assistant chief administrative officer for the county representing County Executive Isiah Leggett (D).

Elrich questioned why the issue would be subjected to judicial review should the county seek to retake the property by eminent domain. He also expressed frustration with a purchase price that he said is below market value and said he shared Andrews's concerns about selling a school property.

"The deal was struck in 1996," Jones said. "The price was based on values in 1998. The money was spent at that time and that's what our agreement is."

The county would have to spend "an inordinate amount of money" to take back the site under the deal, Elrich said.

"This is not what I consider the best deal in the interest of the county," he said. "It may be better than what we've got right now. And I feel that we're stuck with something that was foisted on us by an earlier administration. And we have to carry this thing out. But I don't feel particularly good about it."

The deal includes several conditions agreed to by the academy, including requirements that the property only be used as a school, that the school's fields, gymnasium and auditorium be available for public use in perpetuity at no cost to the county and that if the building is no longer to be used as a school or if it is put up for sale the county could repurchase it at the 1998 appraised price of \$1.9 million.

Dayanim said that the pending sale gives the academy a new perspective that of the campus's owner and no longer its tenant.

Being a tenant "does influence how you approach all kinds of decisions in terms of investment in the building and infrastructure," he said.

While the county could still retake the property, that is "a risk that we will have to live with it," Dayanim said. "But I don't anticipate it happening. Certainly not in the foreseeable future."

In the meantime, the school, which won support from neighbors in the Aspen Hill community for its stewardship of the Peary property, has built even more bridges with the community, Dayanim said.

"It's a tremendous feeling to be supported, not just by your own stakeholders, but by your neighbors and your friends and other people in the county both in the broader Jewish community and in the broader community," he said. "We've been talking about how heartwarming that's felt to us, to know that our efforts are recognized. To know that we're valued as a neighbor and as a part of the community is very important to us and we share that feeling toward them as well."